

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 17, 2001
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Dr. Steve Adam, Church of Jesus Christ of Latter Day Saints gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of April 10, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

EATON AWARD

Kansas Preservation Alliance – Eaton Award was presented.

PROCLAMATIONS

Proclamations previously approved were presented.

SERVICE CITATION

Distinguished Service Citations were presented.

PUBLIC AGENDA

Jan Kennedy, Sedgwick County Treasurer – “Metal to Matches.”

Ms. Kennedy was not present.

NEW BUSINESS

IRB CHUZY

LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – CHUZY LIVING TRUST/TMX AEROSPACE PROJECT. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0504.

Real Estate Developer Carl Chuzy is requesting City Council approval of a four-year Letter of Intent for the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$7 million to finance the development of an 40,000 sq. ft. industrial facility located at 2800 South Eastmoor. The facility is to be leased to TMX Aerospace located next to their existing facility. Mr. Chuzy has also requested a 100% five-plus-five-year tax abatement on all property purchased with bond proceeds.

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TMX Aerospace is based in Kent, Washington and is a division of Thyssen, Inc., NA which is a subsidiary of Thyssen/Krupp N.A., a German company. TMX Aerospace is the principal supply chain manager for the Boeing Company for all metal material procured by Boeing and used in the manufacture of commercial aircraft. Materials managed by TMX are actually owned by Boeing, but all handling, processing, transportation and tracking of the materials, from the mills, through the subcontractors and onto the Boeing assembly lines is the responsibility of TMX Aerospace.

TMX Aerospace wishes to use a third-party, build-to-suit developer as a way to provide for a portion of their growing facility needs as they rapidly expand their workforce in Wichita. TMX selected the Carl Chuzy Co. to develop an 44,000 sq. ft. facility to house their experimental engineering machine shop and warehouse operations. The facility will be built on land Chuzy owns adjacent to TMX's existing Wichita 40,000 sq. ft. facility.

The tenant in the proposed IRB transaction and owner of the facility will be Carl Chuzy Living Trust. The Tenant company will sublease the facility to TMX, under the terms of a 5-year lease with one three-year renewal option. The financing of the project through City's bonds will permit the subtenant (TMX Aerospace) to increase the amount of their manufacturing capabilities and give them the flexibility to pursue their own internal growth objectives. TMX plans to add approximately 33 new jobs in Wichita over the next two years. The building project is planned in four phases, projecting a total facility of up to 200,000 sq. ft. in four years.

An analysis of the uses of project funds is:

Land	\$ 551,000
Building	6,000,000
Miscellaneous	99,000
Cost of Issuance	<u>350,000</u>
Total Cost of Project:	\$7,000,000

The law firm of Triplette, Woolfe & Garretson will serve as bond counsel in the transaction. Froggatte and Company has agreed to underwrite the bonds. It is intended that the bonds will be placed with institutional investors located in the State of Kansas. Carl Chuzy Co. agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Wichita State University Center for Economic Development and Business Research is currently performing a cost-benefit analysis. The resulting benefit-cost ratios will be provided to the City Council prior to consideration of this item.

Carl Chuzy Co., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The estimated first year taxes on the proposed \$7,000,000 expansion would be \$161,433 on real property improvements, based on the 2001 mill levy. The tax exemption will be shared among the taxing entities as follows: City - \$47,039; County/State - \$45,150; and USD 259 - \$69,244.

Bond documents needed for the issuance of bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

The documents shall contain a proviso that should the expected use of the building changes, the tax abatement will immediately cease and the property will be put back on the tax rolls.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the four-year Letter of Intent to Carl Chuzy Co., for Industrial Revenue Bonds in an amount not-to-exceed \$7 million, and grant a five-plus-five-year 100% tax exemption on all bond-financed improvements, subject to Standard Letter of Intent conditions be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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LINCOLN MEADOWS LETTER OF INTENT FOR MULTI-FAMILY HOUSING REFUNDING REVENUE BONDS – LINCOLN MEADOWS, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0505.

On March 19, 1991, the City Council approved issuance of a Letter of Intent in an amount not to exceed \$5.5 million for Multi-Family Housing Revenue Bonds to Lincoln Meadows, Inc. The bond proceeds were used to finance the acquisition, development and rehabilitation of Lincoln Meadows Apartments, a proposed project for low and moderate income families, located at 9000 East Lincoln. Lincoln Meadows wishes to refinance its 1991 Bonds and is requesting City Council approval of a Letter of Intent to issue its Multi-Family Housing Refunding Revenue Bonds in an amount not-to-exceed \$4,600,000.

Lincoln Meadows Inc., is the third of three complexes located in the Lincoln and Webb Road vicinity. The property consists of 27 two-story English Tudor apartment buildings, situated on 20.63 acres of land. It contains 249,758 sq.ft. of net leasable area, plus offices, maintenance facilities, clubhouse, pool, 167 carports and other amenities common to first class garden apartments. The floor plans offer a mixture of one and two bedroom styles, including loft bedrooms, large and small dens and combinations of fireplaces and bathrooms.

The acquisition and rehabilitation of Lincoln Meadows' 296 apartments includes approximately sixty units for low and moderate income housing. This allocation meets the 20% minimum requirement as set under the 1986 Low to Moderate Income Tax Credit Act. Lincoln Meadows has performed a valuable service to the Wichita community by providing low to moderate income households an opportunity to live in a clean, up-to-date apartment community.

Bond proceeds will be used to refinance currently existing debt and pay costs of issuance.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS	
Principal on Refunded Bonds	\$4,355,000
Redemption Premium (2%)	95,100
Underwriting Fees (4%)	94,000
Miscellaneous	<u>10,900</u>
Total cost of Project	\$4,555,000

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. Froggatte & Company has agreed to underwrite the bonds. Lincoln Meadows agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Lincoln Meadows agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Lincoln Meadows does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax exempt bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the public hearing be closed; and the Letter of Intent for Multi-Family Housing Refunding Revenue Bonds to Lincoln Meadows, Inc. in an amount not-to-exceed \$4,600,000, subject to the Standard Letter of Intent Conditions, be approved. Motion carried 7 to 0.

-- carried

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VIA CHRISTI

REQUEST FOR LETTER OF INTENT FOR HOSPITAL FACILITIES IMPROVEMENT AND REFUNDING REVENUE BONDS – VIA CHRISTI HEALTH SYSTEM, INC.

(Districts II, III, and VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0506.

Via Christi is requesting City Council approval of a Letter of Intent to issue its Hospitals Facilities Improvements and Refunding Revenue Bonds in an amount not-to-exceed \$166 million. The proceeds of the proposed Bonds will be used to refinance the City's outstanding Hospital Facilities Improvements and Refunding Revenue Bonds, issued to refinance improvements to St. Francis Regional Medical Center in 1992 and to finance new construction and equipment at Via Christi's facilities in Wichita and in Pittsburg, KS.

Via Christi Health System was formed in October of 1995 through the consolidation of the St. Francis Ministry Corporation of the Sisters of Sorrowful Mothers and the CSJ Health System of Wichita of the Sisters of St. Joseph of Wichita. During that same period, St. Francis Regional Medical Center and St. Joseph Medical Center were consolidated to form Via Christi Regional Medical Center. Via Christi Health System headquarters is located in Wichita at 929 NORTH St. Francis. Via Christi Health System now operates and manages five hospitals on six campuses, a rehabilitation center, five senior care facilities and 18 physician practices in three states.

Bond proceeds will be used to refinance outstanding Hospital Facilities Improvement and Refunding Revenue Bonds and in addition to finance the cost of purchasing, acquiring, constructing, furnishing, and equipping improvements to certain hospital facilities located in the Cities of Wichita and Pittsburg, Kansas.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Advance Refunding of 1992 Refunded Bonds	\$78,000,000
Construction of Hospital Improvements	
St. Francis Campus	20,000,000
St. Joseph Campus	15,000,000
Mt. Carmel	<u>16,600,000</u>
Total Refunded Bonds	\$129,600,000
Furnishings, Machinery & Equipment	
St. Francis Campus	\$15,000,000
St. Joseph Campus	9,500,000
Mt. Carmel	8,100,000
Cost of Issuance	<u>3,800,000</u>
Total Improvements	\$36,400,000
Total cost of Project	\$166,000,000

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. Solomon Smith Barney, Inc. has agreed to underwrite the bonds. Via Christi agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Via Christi agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Via Christi does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the

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issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax exempt bonds.

Motion -- Fearey moved that the public hearing be closed and the Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds to Via Christi Health System in an amount not-to-exceed \$166,000,000, subject to the Standard Letter of Intent Conditions, be approved. Motion carried 7 to 0..
-- carried

CAFR

2000 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Ray Trail Director of Finance reviewed the Item.

Mark Dick Allen, Gibbs & Houlik, LC, reviewed the Independent Accounting Report and said the City is in good financial health. The Comprehensive Annual Financial Report is free of material misstatements, and the City has effective internal controls.

Agenda Report No. 01-0507.

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2000.

The City's Comprehensive Annual Financial Report (CAFR) is designed to provide information needed by interested parties to gain a fair understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2000, and the results of its operations and the cash flows of its proprietary fund types and component units in conformity with generally accepted accounting principles. The Wichita Public Building Commission and the Wichita Airport Authority are considered component units and have been appropriately reflected in the financial statements as part of the financial reporting entity.

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 1999. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. Staff believes that the 2000 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

Legal Considerations: Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

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DAY REPORTING

REGULATORY CONDITIONS FOR DAY REPORTING CENTERS.

Cathy Holdeman

City Manager's Office reviewed the Item.

Agenda Report No. 01-0508

On February 13, 2001, the City Council reviewed locations being considered for Day Reporting Facilities. The City Council has received complaints/ concerns from citizens about these locations and their close proximity to many incompatible uses. The City Council took action to oppose the location of the Twin Lakes site. The City Council directed staff to send a letter to the Secretary of Corrections requesting that actions taken to utilize this facility for such purposes be discontinued. Additionally, the letter requested that local authorities be included in the State's decision-making process with respect to locating such facilities. The City also offered the formation of a City staff team to work in partnership with the State to develop a list of suitable locations to house a Day Reporting Facility.

Since this time, City staff has worked closely with representatives of the State Department of Corrections and their agents to identify possible locations for a Day Reporting Facility. The State's criteria for site location includes (among other things): square footage requirements; operating hours; proximity to bus transportation; and convenient highway access. Facilities cannot be adjacent to day care centers, parks, public recreation areas, taverns, adult entertainment facilities, public schools, and it cannot be new construction.

In addition to staff efforts to assist the State with the location of a Day Reporting Facility, the City has also utilized the expertise of the new Alternative Correctional Housing Advisory Board. At its last meeting, the Board was asked to review proposed zoning changes, the criteria for location, and regulatory requirements.

The Alternative Correctional Housing Advisory Board met on March 22, 2001, to discuss zoning, site location requirements and regulatory measures for Day Reporting Facilities. The Board provided recommendations in three areas.

1. Zoning for Day Reporting Facilities: The current City Zoning Code does not specifically address Day Reporting facilities. The Planning Department has proposed including such facilities within the definition of Correctional Placement Residences. Added language is the following: This definition shall include a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for six or more hours per day. With this amendment Day Reporting Centers will be permitted in office, commercial, central business and industrial districts, but they will be required to obtain a Conditional Use Permit if they are within 750 feet of a residential zone. The District Advisory Boards and the Alternative Correctional Housing Advisory Board supported the proposed change in the zoning code, and the MAPC voted, On April 12, 2001 (8-4) to approve this amendment.

2. Siting Criteria: The State Department of Corrections has developed a list of criteria for locating Day Reporting Facilities. The Alternative Correctional Housing Advisory Board reviewed the criteria and recommended the following:

- The site must conform to all applicable zoning and building codes and ADA
- The site must have sufficient parking for staff and clientele
- The site must be in close proximity to bus transportation
- The site should have convenient highway access
- The site should have access to medical care, police and fire protection and other services
- The site should not be near or adjacent to such uses as:
 - *Day Care/youth Centers
 - *Parks
 - *Taverns
 - *Clubs
 - *Adult Entertainment Facilities

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*Public Schools

*Residences for Individuals Suffering from Developmental, Physical, or Mental Disabilities

The Alternative Correctional Housing Board supported the proposed siting criteria for the location of Day Reporting Facilities.

3. Additional Regulatory Measures: In addition to approving the Zoning Code amendments and the siting criteria (above), the Board also addressed additional regulatory measures, including:

--Authorization of the development of a licensing process for Day Reporting Facilities. (This would be similar to the licensing process for Alternative Correctional Housing Facilities). Require proposed Day Reporting Facility sites to be reviewed by the Alternative Correctional Housing Advisory Board. (The Board action would be to provide a recommendation on the appropriateness of a facility/site to the City Council).

The Alternative Correctional Housing Board recommended approval of the additional regulatory measures requiring Day Reporting Facilities to be licensed; and further, that proposed locations be reviewed by the Board for a recommendation to the City Council.

These recommendations for siting Day Reporting Facilities were reviewed by the Staff's Development Coordinating Committee. The Committee recommended the following:

1. Zoning Criteria: The Staff Development Coordinating Committee reviewed both the zoning requirements for Day Reporting Facilities and Alternative Correctional Placement Residences. It recommended that both types of facilities should only be allowed by right in Industrial Districts and the Central Business District and that a Conditional Use Permit should be required if the facility is located within 750 feet of a residential zoning district.

2. Siting Criteria: The Development Coordinating Committee made the following recommendations with respect to the Siting Criteria:

--Clubs (modified to drinking establishments)
--Public Schools (modified to Schools)

3. Additional Regulatory Measures: The Staff Development Coordinating Committee supported licensing of Day Reporting Centers and to have facilities reviewed by the Alternative Correctional Housing Board to provide a recommendation on the appropriateness of the site.

However, the Committee also concluded that specification of types or categories of offenders should NOT be included in the licensing requirements (meaning sex offenders should not have to be identified since facilities should be located in the Central Business District and Industrial Districts).

The Planning Commission held a public hearing on proposed zoning changes on March 22, 2001. Comments were received and taken under advisement by the Commission. A subcommittee continues to review zoning changes and evaluate the public comment. A special Planning Commission meeting was held on April 12, 2002 to review proposed zoning changes. Licensing of Day Reporting Facilities will require premise inspections by Central Inspection and the Health Department, along with appropriate Police records checks on individuals operating and employed by the facility. Staff will be able to assume these tasks. Program audits can be conducted by a private contractor (similar to Correctional Placement Residences) and funding can be made available in future budgets for program audit services for Alternative Correctional Housing Facilities to supplement private pay for such services if needed.

The Law Department will prepare appropriate ordinances and approve as to form once the City Council determines the criteria and regulatory measures it wishes to impose.

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- Council Member Fearey Council Member Fearey inquired why it was decided residences only instead of including places that people suffering from developmental physical and mental disabilities go and spend the days.
- Cathy Holdeman Cathy Holdeman said that the suggestion could be incorporated into deciding criteria.
- Council Member Pisciotte Council Member Pisciotte inquired as to the reason for prohibiting new construction. If the City should want to engage in building a facility that would work, this would prevent us from doing that.
- Cathy Holdeman Cathy Holdeman explained that the criteria was listed because the State was prohibited from new construction. It is a reflection of what the State was permitted to do. The City would not have to share that same condition.
- Council Member Pisciotte Council Member Pisciotte said that within the purview of day care centers and schools, do we not need to have some category that would take care of businesses that are children-intensive that they're businesses involved with children throughout the day or the evening and have some protection for them as well, because that would fall through the cracks of these various definitions.
- Cathy Holdeman Cathy Holdeman explained that that particular issue is being addressed. At this time, it will be considered in the licensing criteria, which will be approved by City Council and will be codified in an Ordinance.
- Council Member Pisciotte Council Member Pisciotte added that within definitions provided, it has also been indicated they could go in by "right" in commercial areas in the Center City Area, or the down town area, the Central Business District. Could the concern be addressed even at the licensing stage if they go in by "right" within those two categories? Because if they're able to go in by "right" in an industrial area, there will be some problems.
- Kirk Schroeder Superintendent of Central Inspection explained that the licensing standards could address that issue separately from the Zoning Ordinance; The licensing standards could require a certain distance from certain kinds of business, or operations, that kind of thing. Those standards are being developed now and should be presented to the Alternative Correctional Housing Advisory Board at their meeting, a week from this Thursday.
- Cathy Holdeman Cathy Holdeman, responding to questions, said the Central Business District recommendation will come under planning review as that moves through the process. The Staff Development Coordinating Committee felt that central business district was an appropriate location because it was not in close proximity to residential housing. There will be further review of the zoning conditions.
- The recommendation regarding sex offenders was made by the Development Coordinating Committee (DCC). That recommendation is not included in the summary of recommendations. The DCC logic behind that recommendation was that if the Centers are in industrial areas, or central business, they will not be in close proximity to residences and therefore, there was no need to report. However, in actuality, the City has a situation where that should be reported because of a current location issue. Again, that issue was not included in the recommended actions.
- The going in by "right" in an industrial area is not recommended in the proposed licensing.
- Marvin Krout Marvin Krout, answering a question regarding the 750 feet number, explained that "There has been a zoning requirement on the books for about four years; and that is that a correctional placement residence be only allowed in an office-commercial CDD or industrial district; and that it's within 750 feet of a residential zone. Then, it has to come through and be approved as a "conditional use." If you are thinking about changing any standards, whether it is what district they are permitted in or what distance triggers a "conditional use," you need to think about both the residential facilities and the new day reporting category. We were looking for a way to clarify that the day reporting centers are not office uses, and we felt that the quickest and easiest way, because we were going through a zoning amendment process anyway, was to tag on to the definition of the correctional residences that day reporting centers are also in that general definition and are subject to the same standards, which means they are allowed in the CBD's and we do have residential correctional facilities in the CBD today; and that they are also the 750 feet triggering the "conditional use" requirement.

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"The 750 feet was arrived at by a committee that was talking about the residential facilities several years ago, and I'm sure that they worked with a lot of different numbers. You have a lesser requirement today in your City Code for sexually-oriented business. They are required to be 500 feet away from a residential zoning district, or certain other uses. I suppose 750 feet was some compromise between 500 and 1000 at the time. There is no magic to it, but my only caution is as the zoning comes forward to you remember that we're talking about two facilities. As far as why in the CBD, I guess the feeling was that if residential facilities have been permitted and are located there, a lot of the requirements have to do with bus service and centrality. There is a lot of vacant office space in the CBD - that seemed to be a logical location for a day reporting facility."

Residential correctional facilities today are allowed in the CBD District, but the licensing provision says that they have to be spaced 1200 feet apart from each other, so there cannot be a number of them clustering, or too many of them in a concentration.

Mayor Knight Mayor Knight said he feared that if care is not taken, there will be people making investment decisions as a result of this and it won't be in the core area.

Marvin Krout Marvin Krout, responding to a question explained that the 750 feet measurement is property line to property line. In both the Twin Lakes and the Douglas cases, there are residential only within 750 feet.

Mayor Knight Mayor Knight stated that it was his sense that unless this City can figure how they want to specifically handle this, there will not be clarity. There will be multiple requests and will be no good response unless the City can figure out what part of town is acceptable and maybe even developing the accommodations to fit that strategy. The central business district - the City is trying to renew and reverse 30 years of decline. These Centers would not add to the reversal.

Council Member Pisciotte Council Member Pisciotte said one of the areas of recommendation is focus on existing space, but if we are going to identify areas in the community that have empty space, "we may be going completely counter to what we're going to do of revitalizing core area and down town area in certain neighborhoods. That we ought to be thinking in terms of some locations that are really going to work for everyone even if that includes building a building and bringing transportation out to it, rather than trying to say we're going to fit new wine in an old bottle. It just doesn't seem to work because we're going to have the continual battle that we have now, now matter how we try to tweak and fine tune this thing."

Marvin Krout Marvin Krout said that is why the Staff recommended that the Correctional Advisory Board continue to discuss this. Even if the Council approves something in zoning, it just may be interim, and more recommendations will come back. Discussion on the bench is very valuable for the Advisory Board as it continued discussions.

What the Planning Commission was told was that some of these issues should it be more restrictive in terms of distance or districts that the Centers are permitted in. None of that had been discussed with the District Advisory Board or the Correctional Advisory Board. What was desired was a quick fix in so that the Centers are not permitted and not interpreted to be an office use, and then continue that dialog with the DAB's.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Bob Kaplan Bob Kaplan said he has a representation in "Community Solutions." "Community Solutions" is the Company that has been working with DOC in attempting to site Wichita. Mr. Kaplan said JP Weigand, has looked at perhaps 15, maybe 20, locations unsuccessfully. The people attending the Day Reporting Center are already in the community. "They are our people that do live in Wichita. They're already here. They're already a present need. And we have to deal with them. There's no alternative. They've got to have a place to report. So these are not folks we're bringing in. They're folks that are here already."

There are very severe budgetary restrictions on "Community Solutions" primarily, because of the short-term lease the DOC offers. The DOC offers a very short-term lease and because of the term of that

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lease, an expensive facility cannot simply be rehabilitated or retrofitted. There are budgetary considerations. So the budgetary considerations and the fact that 15 or 20 locations have already been tried unsuccessfully, and the fact that these folks were already here.

Sybil Strum

Sybil Strum said she did not want sex offenders around anybody. Sex offenders need to get away from society. They need to be far away from people. Even though they're being rehabilitated, that doesn't mean anything. Sometimes these rehabilitated sex offenders can get the urge to do harm again.

Nile Gilmore

State Representative (92nd District) Nile Gilmore said his concern is that there is a recognition on the part of the Alternative Correctional Housing Board that that the developmentally physical and mentally challenged population are just as vulnerable when they are away from their home. Certain consideration is owed this population in terms of their vulnerability when they're not only in their residence, but also within our community receiving community services.

Secondly it should be noted that regardless of what zoning requirements are brought forward, that because a building permit was issued for the Twin Lakes Center, that location cannot be zoned out. It will be automatically grandfathered in, which makes it even more important that whatever licensing requirements are developed for these day reporting centers, take those physical factors of the Twin Lakes Center into account.

Rosalee Bradley

Rosalee Bradley said Day Reporting Center occupants are parole violators and except for this facility would be occupying a prison cell. Law and the DOC indicate they are highly supervised in this program. The State Public Policy intent is to provide a program that averts conditional violators from prison which continues to protect the public safety.

There is a daily average of 120 violators, 30 to 90 days. This means a high degree of turn over, with new offenders entering the program regularly. The only security is a locating monitor. There will be no one at the facility that can prevent an offender from walking away if they so choose. This is a high population to be sited in any one location. There were 80 people at one time living in one block in mid-town. This is a higher concentration than that. At no time should a DRC of this type be located near a residential neighborhood. Likewise, it is not prudent to locate this near a retail shopping area. It would limit business to those merchants.

Zoning is crucial to this segment of the issue. General office and LC are not appropriate locations for these facilities. I believe licensing is very appropriate but it should focus on the concerns of the public policy and public safety. A DRC must have personnel on site who have the authority to prevent someone from leaving the facility if they so choose. The violators should not be permitted to loiter outside the building even to smoke unless they are not visible by a residence or a business. The police will tell you that one main crime measure to prevention is preventing the casing of your home or business and to report any suspect behavior that you see. The criteria should address those concerns of safety to the public, not if near public transportation, highway, or medical facilities. That is the Department of Corrections - that was on your criteria. It should not be the requirement of licensing. If transportation needs to be provided to the location, that should be part of the program, not part of our public safety requirements.

CBD in zoning says that "jails will be in the central business district and I think that's where we're coming back to. This basically is a mini-jail with less restrictions. I agree there are few sites that will be within 750 feet of residential and community. That's the reason I think zoning or licensing has to include enforcement in it. There has to be on-site security to assure people, as with the jail, they are not going to walk out."

Mayor Knight

Mayor Knight said people, at their request, are being taxed to improve the down-town district. This is nothing less than an invitation to come site these facilities in the central business district. "One of the problems with the central business district is it doesn't have very effective advocacy right now. It could become, very easily, a dumping point, and I think that just drives a stake in the heart of everything we've been trying to do. I don't know what the answer is, but I'm trusting, that you and your Staff can come up with the answer. I'm not sure I can. But, I can tell you that this isn't it for me."

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Council Member Brewer Council Member Brewer said he strongly agreed with Mayor Knight and suggested the matter be sent back to the Planning Commission for review and an alternative plan.

Council Member Pisciotte Council Member Pisciotte suggested that the matter be referred back to Staff to decide whether or not this needs more involvement with MAPC or the Alternative Correctional Housing Advisory Board, or the Down Town District. The matter could be reworked taking the concerns expressed into consideration, to be returned to the City Council as soon as possible.

Marvin Krout Director of Planning clarified that the Agenda Report is not asking to vote on a zoning amendment today. The zoning amendment is planned to be before the City Council on May 8th, and by that time, some options can be given to the City Council. Informal visit with the Planning Commission can be had, particularly with the issue about the CBD. There are certainly options. One option is to eliminate the CBD or other districts from consideration. Another is to say that anything in the CBD requires a conditional use, which means that ultimately, it's the planning commission and the City Council's decision on a case-by-case basis. By May 8, those options will be in front of the City Council for approval. That also gives time to talk to the down-town district.

The Correctional Advisory Board is going to continue to look at the siting criteria, and if the City Council has changes to suggest, that can be sent to the Advisory Board when the Advisory Board works on a licensing ordinance which will be brought back to the City Council. It will contain additional siting criteria if the Council desires. It would be helpful, at this point, for the Council to indicate for the Advisory Board that certain siting criteria be added and that the Planning Commission to reconsider the CBD and the other concerns the Council may have.

Motion -- Knight moved the siting criteria be approved (as outlined above and as amended by the Staff Development Coordinating Committee and by City Council concerns expressed, except for the stipulations that relate to sex offenders); the Alternative Correctional Housing Advisory Board be authorized to review such locations prior to City Council, including certain added criteria; and that the Planning Commission reconsider the CBD and other concerns the Council may have prior to the May 8th zoning amendment consideration. Motion carried 7 to 0.

-- carried

PUBLIC BIDDING

ORDINANCE IMPLEMENTING PROVISIONS OF CHARTER ORDINANCE PERTAINING TO PUBLIC BIDDING.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-0509.

On February 28, 1995, the City Council adopted Charter Ordinance No. 158 which amends the City's requirement for bidding construction contracts for public improvement projects. The charter ordinance exempts from the public bidding requirements projects that are to be constructed by a developer pursuant to a developer agreement, provided that the City Council conducts a public hearing to consider whether to allow the exemption on a case-by-case basis and adopts an ordinance approving the exemption for each case.

On August 22, 2000, the City Council designated Alford Development, Inc., as the preferred developer for the construction of the commercial retail center located at 2151 E. 21st Street. Negotiation of the developer agreement with Alford Development, Inc., is now complete and ready for Council approval.

In order to legally commit the City to the provisions of the developer agreement with Alford Development, Inc., the City must approve the exemption from the public bidding requirements pursuant to Charter Ordinance No. 177.

The implementation of the project located at 2151 E. 21st Street as a turn-key project pursuant to the developer agreement is expected to speed project completion and potentially save money due to the developer's experience in developing and operating similar facilities.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Knight moved that the public hearing be closed and the Ordinance be placed on first reading. Motion
-- carried carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, implementing the provisions of Charter Ordinance No. 177, pertaining to public bid requirements, introduced and under the rules laid over.

CITY COUNCIL AGENDA

TRAVEL APPROVAL **APPROVAL OF COUNCIL MEMBER PISCOTTE AND SPOUSE'S TRAVEL TO ORLEANS, FRANCE, MAY 5-11, 2001, FOR SISTER CITIES OFFICIAL VISIT.**

Motion -- carried Knight moved that that the expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS **BOARD APPOINTMENTS.**

No appointments were made.

PROCLAMATIONS **PROCLAMATIONS:**

--Children's Mental Health Week
--Mental Health Month
--Suicide Prevention Week

Motion -- carried Knight moved that the Proclamations be authorized. Motion carried 7 to 0

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 16, 2001.**

Bids were opened April 13 ,2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2001 contract maintenance nova chip of asphalt and concrete streets - various locations. (472-83336 /132710/131532/ 706809/792268/620310/405274/ 405901 /661434) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI)

Ritchie Paving - \$641,700.00 (Engineer's estimate)

2001 contract maintenance mill and overlay - Phase 2 - north of Pawnee, east of Hillside. (472-83339/132710/620310/661434) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and II)

Cornejo and Sons Construction - \$402,900.00 (Engineer's estimate)

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2001 contract maintenance area concrete reconstruction Phase 1 - north of 31st Street South, east of West Street. (472-83341/132710/706809/620310 /405274/661434) Traffic to be maintained during construction using flagpersons and barricades. (Districts III, IV and VI)

Barkley Construction - \$246,600.00 (Engineer's estimate)

Landscaping in connection with paving Seneca from 30th Street South to Crawford, Phase 2 - Seneca, Pawnee to 31st Street South. (472-83084/706778 /200236) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Greenglo - \$48,036.40

2001 sanitary sewer rehabilitation, Phase C - north of Harry, east of Broadway. (468-83230 /620314/661438) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and VI)

Insituform Technologies USA - \$157,738.25

Leonine, Angel, Leonine Court to serve Angel Fire Addition - north of 47th Street South, east of West Street. (472-83292/765664/490775) Does not affect existing traffic. (District IV)

Cornejo and Sons Construction - \$241,404.25

Shadow Lakes, Northshore Boulevard, Shadow Lakes Courts, Northshore Courts to serve Ridge Port Addition - east of Ridge, north of 29th Street North. (472-89247/765672/490783) Does not affect existing traffic. (District V)

Kansas Paving Company - \$308,794.35

Waterline extension in 159th Street East from Harry to Pawnee - south of Harry, east of 127th Street East. (448-89458/633727/750821) Traffic to be maintained during construction using flagpersons and barricades. (District II, County); AND 16-inch waterline in Pawnee from 159th Street East to Rose Hill Road - Pawnee from 159th Street East to Rose Hill Road. (448-89457/633726/750820) Traffic to be maintained during construction using flagpersons and barricades. (District Butler County)

Wildcat Construction - \$371,661.00 (Total aggregate bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Manure Spreaders with Undercarriage Track Systems. (184317)

Foley Equipment Co. - \$115,330.00 (Total net bid)
<\$ 4,000.00> (Option 1/lump sum total <deduct>)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Combination High-Pressure Sewer Cleaner and Vacuum Waste Removal System Mounted on 66,000 GVW Cab and Chassis. (133116)

Key Equipment & Supply Co. - \$212,500.00* (Total net bid)
\$ 3,000.00* (Option 1/total net bid)
\$ 1,200.00* (Option 2/total net bid)
\$ 240.00* (Option 3/total net bid)
\$ 1,000.00* (Option 4/total net bid)

*Tie - Winner by coin toss

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: 54,000 GVWR Truck Tractor. (624066)

Kansas Truck Center - \$70,637.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Boiler Replacement at Orchard Recreation Center. (130823)

Professional Air Conditioning - \$9,250.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Foaming Root Control Herbicide. (184804)

Douglas Products and Packaging, Inc. - \$29.00 (Cost per gallon)

PUBLIC WORKS DEPARTMENT/FLOOD CONTROL DIVISION: Inlet Frames and Covers. (133116)

Neenah Foundry Company - \$9,270.00 (Group 1/total net bid/net 30)

Wichita Steel Fabricators, Inc. - \$4,500.00 (Group 2/total net bid/1% 10 days net 30)

HOUSING SERVICES DEPARTMENT/NEIGHBORHOOD IMPROVEMENTS DIVISION: Exterior Paint. (602345)

PPG - Porter Paints - \$ 9.95 (Item 1/cost per gallon)
\$ 9.95 (Item 2/cost per gallon)
\$ 9.95 (Item 3/cost per gallon)
\$11.75 (Item 4/cost per gallon)
\$10.97 (Item 5/cost per gallon)
\$10.99 (Item 6/cost per gallon)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition and Off-Site Removal of Following Properties: 9048 and 9050 West Kellogg. (702194)

Bradburn Wrecking Co. - \$4,000.00 (Group 1/lump sum total)

National Builders, Inc. - \$13,500.00 (Group 2/lump sum total)

VARIOUS DEPARTMENTS: Cold Mix Asphalt. (132225)

APAC - Kansas Inc. - \$47.00 (Group 1/item 1/per ton)
\$52.00 (Group 1/item 2/per ton)
\$52.00 (Group 1/item 3/per ton)
\$30.00 (Group 2/item 1/per ton)
\$35.00 (Group 2/item 2/per ton)
\$35.00 (Group 2/item 3/per ton)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Mowing, Trimming and Maintenance of Highland and Jamesburg Cemeteries. (173815)

Landscape Art LLC - \$914.66 (Item 1/per mowing cycle)
\$336.46 (Item 2/per mowing cycle)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	2001	<u>(Consumption on Premises)</u>
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Miguel Reyes	Rostizeria Los Reya*	512 West 21st Street
Edith Boede	Lil Mexico*	1601 East Pawnee
Mui Fong Yu Tam	Tom's Lotus Garden*	822 South Broadway

(Consumption off Premises)

Helen Lu	KC Store L.L.C.	1161 North Broadway
Robert Bales	Klepper Oil Company Inc.	2601 North Broadway
Robert Bales	Klepper Industries Inc.	3520 North Woodlawn

Special Event - Wichita River Festival:

Patrick Audley	May 11-12, 2001	South Riverside Park
Patrick Audley	May 15-16, 2001	South Riverside Park
Patrick Audley	May 17, 2001	225 West Douglas
Patrick Audley	May 19, 2001	Park at McLean and Douglas
John Thieh	May 12-13, 2001	225 West Douglas (Century II Drive)
John Thieh	May 14-15-16, 2001	225 West Douglas (Century II Drive)
John Thieh	May 17-18-19, 2001	225 West Douglas (Century II Drive)
John Thieh	May 20, 2001	225 West Douglas (Century II Drive)

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) Siefkes from the east line of the plat, west to the north line of Spring Hollow, and on Spring Hollow from the west line of Siefkes, south to the south line of the plat. Castle Rock from the south line of Siefkes, south to the south line of Lot 39, Block A, on Whitewood Street from the east line of Spring Hollow, east to the west line of Castle Rock, on Whitewood Street from the west line of Spring Hollow, west to the west line of Hawthorne Street, on Whitewood Circle from the west line of Hawthorn Street, west to and including the cul-de-sac, on Hawthorne Street, from the north line of Whitewood Street, north to the north line of Lot 17, Block D, and on Whitewood Court, from the north line of Whitewood Street, north to and including the cul-de-sac. That sidewalk be constructed along one side Siefkes and Spring Hollow. That there be constructed a decel lane along 143rd Street East from the north line of the plat, south to the north line of Siefkes to serve Shoal Creek Addition - west of 143rd Street East, south of Central. (472-83296 /765666/490777) Does not affect existing traffic. (District II) - \$485,000.00

b) 2001 Contract Maintenance Quickset Slurry Seal of Asphalt Streets - various locations. (472-83344 /131532) Traffic to be maintained during construction using flagpersons and barricades. (Districts V and VI) - \$152,000.00

c) Water distribution system to serve Pine Bay Estates, Applewood Farms, L & D Taylor, Huntington Pointe, Sand Pointe Additions and Unplatted Tracts - south of 63rd Street South, west of the Arkansas River. (448-89424/734960/470630) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$1,900,000.00

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d) Water distribution system in Rutan to serve Southriver Addition - north of 71st Street South, east of Hydraulic. (448-89543/735007/470677) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$126,000.00

e) 2001 Contract maintenance roadbed stabilization and asphalt overlay - north of 53rd Street North, east of Meridian. (472-83354/792268/706809/405901/405274) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$140,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PAVE TAFT

PETITION TO PAVE TAFT COURT IN WEST MILLBROOK ADDITION – SOUTH OF MAPLE, EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 01-0510.

On February 8, 2000, the City Council approved a Petition to pave Taft Court in West Millbrook Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The property owners have submitted a new Petition with an increased budget. The signatures on the Petition represent 8 of 9 owners in the improvement district. The non-signer is not actively opposed to the project, but will not sign the new Petition.

The project will provide paved access to a residential development.

The original Petition totaled \$25,000. The new Petition totals \$46,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-147

A Resolution amending Resolution No. R-00-42 pertaining to the improving of Taft Court from the north line of Taft to and including the cul-de-sac (south of Maple, east of 119th Street West) Project No. 472-83193, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

SANITARY SEWER TO SERVE LOTS 1-12, BLOCK 7, JONES PARK ADDITION – NORTH OF 33RD STREET NORTH, WEST OF FAIRVIEW. (District VI)

Agenda Report No. 01-0511.

On November 16, 1999, the City Council approved a Petition for a Sanitary Sewer to serve part of Jones Park Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The property owner has submitted a new Petition with an increased budget.

The project will provide sewer service to a residential development.

The original Petition totaled \$10,000. The new Petition totals \$18,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 01-148

A Resolution amending Resolution No. R-99-449 pertaining to the construction of Lateral 138, Main 4, Sanitary Sewer No. 23 (north of 33rd Street North, west of Fairview) Project No. 468-83048, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Metropolitan Area Planning Commission, 2-22-2001
Wichita Airport Advisory Board, 3-5-2001
2000 Annual Report of the Wichita Airport Authority, 3-5-2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

EASEMENT

EASEMENT.

Public Utility Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract of land located in the Northeast Quarter of Section 25, Township 27S, R-2-W of the 6th P.M., Sedgwick County, Kansas (Maple, 119th to 135th, OCA 706986). No cost to City.

Motion --
-- carried

Knight moved that the document be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CLAIMS

REPORT ON CLAIMS ALLOWED MARCH, 2001:

<u>Name of Claimant</u>	<u>Amount</u>
Thiphavanh Phimvongsa	\$ 344.96
Xavier Leija	\$7,500.00*
Constantino Marroquin	\$ 76.00
SW Bell	\$2,362.66*
Bernabe F. Padilla	\$ 158.62*
Wichita Dialysis Center	\$ 130.00*
M. D. Junious	\$ 277.85
South Hydraulic Stor-All	\$ 703.00*
Billy Winegarner	\$ 150.00
Erin or Christiane Doom	\$ 55.00
Jennifer Douglas	\$ 350.00*
Kevin Mayfield	\$ 324.24
Jesse Ryaes	\$ 500.00
Farmers Ins. For Dennis Becker	\$2,488.27
Satiya Rockett	\$ 284.92
Lola L. Bartee	\$ 90.04
Joseph B. Apsey	\$ 332.06
Brandon Adams	\$ 348.41
Gary Austerman	\$ 259.65
Elizabeth A. Rivas	\$ 160.02

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Douglas P. Lamar	\$ 173.72
Larry McConnell	\$ 255.55

*Settled for amount less than amount claimed.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

CERT.OF CANVASS: CERTIFICATE OF CANVASS:

Certificate of the Board of County Commissioners, acting as a Board of Canvassers for the General Election on April 3, 2001, finding that the following candidates were duly elected:

Council Member, District I	Carl G. Brewer
Council Member, District III	Phil Lambke
Council Member, District VI	Sharon Fearey

Motion -- carried Knight moved that the Certification be received and filed. Motion carried 7 to 0.

PUMP STATIONS TEC INFORMATION SERVICES, AUTOMATION OF HESS AND WEBB ROAD PUMP STATIONS - WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-0512.

Approve the Contract with TEC Information Services and authorize the Purchasing Manager to issue a Contract for services.

On May 23, 2000, the City Council approved a Contract with TEC Information Services to automate the controls and operation of the pumps at Hess Pump Station. The original Contract was for \$210,495.

The original Contract included an engineering study and computer programming to monitor and operate the pumps at the Hess Pump Station and the remote pump stations. After this project began, three additional construction projects were initiated that have a significant impact on this project. One project is the 36-inch Northeast Transmission Main, which terminates at 21st and Webb Rd. The second is the installation of an additional 5 MGD variable speed pump to serve the Webb Rd. Pressure District, and the third is the modification to the Webb Rd. Pump Station to establish the East Pressure Zone, which impacts four pumps at the pump station.

The Contract is for the additional programming and hardware to put the operation of the new pumps at the Webb Rd. Pump Station into the automation protocol. TEC Information Services is the sole contractor with the required skills and information necessary to integrate the programming and hardware into the automation program. This work is required because the original Contract included only pumps that were in existence at the time the Contract was signed. To include these improvements, the processor at the pump station needs to be upgraded to handle 92 input/output signals.

The new hardware, programming, and training will cost \$45,324. The project will be funded from Webb Rd. Satellite Pump Station (CIP W-882), which has adequate funds.

City Council approval is required for Contracts over \$10,000.

Motion -- Knight moved that proposal from TEC Information Services be approved and the Purchasing Manager
-- carried be authorized to issue a Contract. Motion carried 7 to 0.

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ENVIRONMENTAL SAMPLES

LABORATORY CONTRACT FOR ENVIRONMENTAL SAMPLES – WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-0513.

A Contract for laboratory services with Alpha Analytical was initiated on January 1, 2000. The company has failed to meet the obligations of the Contract and on December 1, 2000, the Contract was terminated. Staff has determined that the Contract can be fulfilled by the second or third choice of the Staff Screening and Selection Committee.

The second choice was Continental Analytical Services (CAS), who was initially not selected due to their higher bid. Third choice was Pace Analytical Services, Inc., who was not selected because they failed to bid on some of the work. Staff contacted CAS; however, they declined at the current Contract price. Pace Analytical has confirmed that they can fulfill conditions of the Contract at the present price.

Annual costs for the Sewage Treatment Plant will be approximately \$13,000 for storm water samples, \$6,000 for industrial wastewater samples, and \$27,000 for biosolids samples. There are adequate funds in the annual operating budget for the Contract.

Motion --

-- carried

Knight moved that Contract with option to renew under the same terms and conditions for two additional one-year periods be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

TRAINING

TRAINING WITH NATIONAL DEVELOPMENT COUNCIL – HOUSING SERVICES DEPARTMENT

Agenda Report No. 01-0514.

The National Development Council (NDC) is a national consulting company that provides training in housing finance. The City of Wichita, in partnership with the Kansas Department of Commerce and Housing, contracted with NDC to provide three courses required for attainment of a certificate as a housing finance professional. The three courses HD 410 – Single Family Home Ownership Finance; HD 420 – Multi-Family Housing Development Finance; and HD 430 – Housing Development Finance were offered in Kansas. NDC also provides a 3 day training on Low-Income Housing Tax Credits. The training will provide instruction on calculating tax credit, leveraging other funds, and obligations once approved. A contract for service is requested to bring the session to Wichita. The sessions will be offered to the local non-profits and for profits that are involved in housing. Additionally, the Kansas Department of Commerce and Housing will market the program throughout the State.

The NDC Low Income Housing Tax Credit Training will be provided as CHDO technical assistance in order to enhance the ability of local non-profits to develop, analyze and implement housing related projects. Providing the training in Kansas will make it more accessible to the CHDOs and will reduce the out-of-state travel expenses. The City of Wichita Housing Services Department will coordinate the delivery of the training and will accept the registration payments and will then reimburse NDC for the training. Registration stipends will be made available to non-profit housing organizations that are located in Wichita utilizing HOME CHDO Operating Funds/Administration Funds.

The NDC charge for the session is \$16,200 and will be derived from registration fees collected from attendees. The agreement with NDC is cancelable in the event that insufficient registrations are received. It is anticipated that 50 individuals will attend each of the sessions. A training budget of \$5,000 will be established for non-profits attending the course from Wichita utilizing HOME CHDO operating and/or HOME administration funds.

Motion --

-- carried

Knight moved that the Agreement with NDC and the allocation of HOME funds for Wichita non-profit housing developers and amendment of CHDO operating grant Agreements to include the registration stipends be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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HOUSING

WICHITA INDOCHINESE CENTER/MENNONITE HOUSING REHABILITATION SERVICES – EXTENSION OF HOME DEVELOPMENT. (District III)

Agenda Report No. 01-0515.

Wichita Indochinese Center (WIC) and Mennonite Housing Rehabilitation Services (MHRS), city designated Community Housing Development Organizations, were awarded HOME funding by the City Council in the amount of \$225,000, April 23, 1996. WIC is the primary agent with MHRS providing construction services. The HOME funding was to be utilized by the agencies to create affordable housing opportunities in the Planeview Local Investment Area. The current funding agreement expired April 15, 2001, with respect to the construction phase.

WIC and MHRS have requested amendment of the funding agreement in order to complete two projects that are currently in process. These projects involve the construction of two new single-family homes on two recently acquired, prominent sites that are in close proximity on Roseberry Street. Demolition of a fire-damaged structure will be required on one of the sites prior to beginning construction. The two sites were acquired with HOME funding provided under the funding agreement. Completion of projects on the 2 sites is required due to usage of HOME funds for acquisition. No additional acquisitions will be permitted during the 1 year extension period.

It is proposed to extend the funding agreement for a period of 1 year.

The contract amendment will not provide for any additional funding, other than the amount originally approved by the Council.

HOME regulations require the completion of a project on sites acquired with HOME funding.

An amendment to the funding agreement will be approved as to form by the City Law Department.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN AGREEMENT FOR HILLSIDE FROM KELLOGG TO CENTRAL. (Districts I, II, and III)

Agenda Report No. 01-0516.

On November 28, 2000, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 2001 Arterial Corridors Program. On February 20, 2001, the Staff Screening and Selection Committee selected Baughman Company, Inc. to perform the design engineering for Hillside from Kellogg to Central (MS-200004) and incidental water and sewer lines.

Improvements are needed to improve traffic carrying capacity and to increase safety.

The design fee total is \$196,000. The funding source is General Obligation Bonds and Revenue Bonds.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR THE GATEWAY CENTER ADDITION – SOUTH OF 13TH, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0517.

The City Council approved the project on March 27, 2001.

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The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Gateway Center Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,050, and will be paid by special assessments.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR AUBURN HILLS TWELFTH ADDITION, SOUTH OF MAPLE, WEST OF 135TH STREET. (District V)

Agenda Report No. 01-0158.

The City Council approved the project on September 12, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Auburn Hills 12th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$15,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - CITY OF EASTBOROUGH BUFFER IMPROVEMENTS – EAST KELLOGG. (District II)

Agenda Report No. 01-0519.

On April 3, 2001, the City of Wichita entered into an agreement with the City of Eastborough for the Kellogg Expansion.

The City of Wichita agreed to reconstruct the Eastborough pond and park and make other landscaping improvements. Wichita also agreed to retain MKEC Engineering Consultants, Inc. (MKEC) to oversee the design and construction of these improvements. Staff has negotiated an agreement with MKEC to develop construction drawings for these improvements.

This agreement with MKEC will be funded as a part of the Kellogg/Woodlawn Interchange project. The funding source is local sales tax.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HARRY IMPR.

CHANGE ORDER: HARRY STREET IMPROVEMENT - WEBB TO GREENWICH. (District II)

Agenda Report No. 01-0520.

On April 20, 1999, the City Council approved a contract to improve Harry Street between Webb and Greenwich. A part of the work involves the restoration of the grassed right-of-way adjacent to homeowners' yards along Harry Street. In order to maintain compliance with Federal (NPDES) regulations controlling storm water runoff, fescue sod is needed. The sod will also match existing

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private lawns and insure healthy growth during this growing season. In addition, the storm sewer system needs to be expanded to properly drain adjacent private property.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$63,231. The funding source is a combination of General Obligation Bonds (20%) and Federal grants (80%) administered by the Kansas Department of Transportation.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SENECA IMPR.

CHANGE ORDER: SENECA STREET IMPROVEMENT - 31ST STREET SOUTH TO PAWNEE. (District IV)

Agenda Report No. 01-0521.

On March 16, 1999, the City Council approved a contract to reconstruct Seneca, between 31st Street South and Pawnee. A part of the work includes removal and replacement of large sections of failed concrete pavement. To improve the rideability of the reconstructed roadway and to provide an appropriate cross slope, an asphalt-leveling course is needed over the length of the project.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$22,000. The funding source is General Obligation Bonds.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BRIDGE DESIGN

2001 BRIDGE DESIGN PROGRAM.

Agenda Report No. 01-0522.

The City's Capital Improvement Program includes funds for an ongoing program to rehabilitate or replace bridges that are in need of major maintenance or are becoming functionally obsolete. The Kansas Department of Transportation participates in project funding with pass-through Federal grants.

The 2001 locations are:

Central Avenue Bridge at Tara Street (design only)
Rock Road Bridge at Gypsum Creek (design only)
Bridge Inspections (to maintain eligibility for Federal grants)

The budget is \$130,000, with \$90,000 to be funded by General Obligation Bonds and \$40,000 to be funded by Federal funds administered by the Kansas Department of Transportation.

Motion --
-- carried

Knight moved that the project and Agreements be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance declaring Central Avenue Bridge at Tara Street, Rock Road Bridge at Gypsum Creek and Bridge Inspections (2001 Bridge Improvement Program) 472-83373 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

K-15 HIGHWAY IMP. SOUTHEAST BOULEVARD (K-15 HIGHWAY) IMPROVEMENT – BETWEEN 31ST STREET SOUTH AND I-135 EXPRESSWAY. (District III)

Agenda Report No. 01-0523.

The 2001 Capital Improvement Program includes a project to improve Southeast Boulevard from 31st Street South to I-135. On November 28, 2000, the City Council authorized the Staff Screening and Selection Committee to select a design engineer. On February 20, 2001, the Committee selected Schwab-Eaton to prepare construction plans. An Agreement for the design services has been prepared.

The project will provide a third northbound lane along Southeast Boulevard from 31st Street South to I-135. It will improve traffic flow and safety from the Boeing Industrial Complex to the interstate expressway.

The project budget is \$350,000, with \$100,000 to be funded by General Obligation Bonds and \$250,000 to be funded by Federal Funds administered by the Kansas Department of Transportation. The design fee totals \$24,480.

Motion --
-- carried

Knight moved that the project and Agreement be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Southeast Boulevard, between 31st Street South and I-135, 472-83363, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

FAMILY PROGRAM FAMILY SELF SUFFICIENCY PROGRAM GRANT.

Agenda Report No. 01-0524.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the continued funding for the Family Self Sufficiency Program Coordinator position. The NOFA also allows housing authorities to request funding for additional FSS program coordinators, should sufficient funds become available.

The Family Self Sufficiency (FSS) program is a requirement established by HUD several years ago as a condition of receiving additional Section 8 vouchers. The program is voluntary for any given tenant, however, it establishes a considerable incentive for Section 8 tenants to increase their income potential and eventually become independent of public assistance. The FSS coordinator works with the program participants to facilitate the connection with community resources such as job training, which will enable the tenants to reach self-sufficiency. While not a goal prescribed by HUD, numerous FSS participants have entered the Homeownership 80 program at the completion of the FSS program and became homeowners.

The FSS program is required by HUD.

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The amount of the application is \$102,511, which would cover the salary and fringe benefits of two family self sufficiency program coordinators. Since the program is mandated by HUD, this funding source will enable the housing authority to hire the needed staff to administer the program.

Motion --
-- carried

Knight moved that the application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHDO GRANTS

CHDO OPERATING GRANTS - HOUSING SERVICES. (Districts I, III, IV, and VI)

Agenda Report No. 01-0525.

March 20, 2001, the City Council approved allocations under the 2001-2002 Consolidated Plan, which included \$93,500 of HOME funds for operational support funding for City-designated Community Housing Development Organizations (CHDO's). In order to receive operational support funding, a CHDO must be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization. Under HOME regulations, operating expenses are defined as reasonable and necessary costs for the operation of the CHDO. Expenses may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible.

A Request for Proposals (RFP) was issued to City CHDO's receiving project development funding from the City's HOME program. CHDO's applying for project funding under the 2000-2001 Consolidated Plan were also notified. Proposals were received from 5 organizations.

A staff review panel reviewed the proposals and makes the following recommendations for funding:

Mennonite Housing Rehabilitation Services (MHRS), \$35,500, in order to continue staff support for the organization's Orchard Breeze and Northeast Local Investment Area redevelopment projects, as well as a new housing development project in the Hilltop Local Investment Area, which was approved by the City Council March 20. Current operational funding is being utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to promote projects, identify potential homebuyers, works with buyers to obtain permanent financing, identifies potential project sites, and resolves lot split and utilities access issues.

Over the past year, MHRS has completed 3 new homes in the Orchard Breeze Area, and is preparing to begin construction on 2 additional homes. 1 home is under construction in the Northeast LIA, with 2 pending. 3 additional projects are underway utilizing funding from the City's Boarded-up HOME program.

Power CDC, \$30,000, in order to provide staff support for the completion of the Piatt Area Redevelopment project, as well as the organization's newly funded Northeast Local Investment Area Infill Housing Construction project.

At this time, Power CDC has completed construction of 2 homes in its Piatt Area Redevelopment Project. 4 additional homes have been pre-sold to eligible buyers, and are currently under construction. 4 lots remain in the development. Power CDC will continue development of newly constructed homes in the northeast area utilizing funding from its new project, which was approved by the City Council March 20.

H.O.P.E., Inc., \$8,000, in order to continue operational support and capacity building in connection with the renovation and management of the HOPE Village apartments, located in the Fairmount Area. HOPE received HOME funding for the renovation of these apartments during the 2000-2001 Consolidated Plan funding process, and construction is expected to begin by May 1, 2001. HOPE is also receiving tax credits in connection with the renovation of all of its rental properties.

Community Housing Services (CHS), \$20,000, in order to provide continuing operational support in connection with the organization's Northeast Local Investment Area housing rehabilitation project.

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CHS recently completed its first home utilizing its project funding, and also hired a permanent executive director. Staff anticipates increased production in the coming year.

Funding for these allocations will come from the 2001-2002 HOME Grant, as allocated by the Council. Funding will be made available under contractual agreements that will become effective July 1, 2001.

Funding agreements will be approved as to form by the City Law Department.

Motion --
-- carried

Knight moved that the allocations be approved; Staff be authorized to negotiate the funding Agreements; and the necessary signatures be authorized. Motion carried 7 to 0.

IRB WSM

INDUSTRIAL REVENUE BONDS WSM PROPERTIES – SUPPLEMENTAL INDENTURE.

Agenda Report No. 01-0526.

On May 12, 1998, the City Council approved the issuance of a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$2.8 million to Wichita Sheet Metal Supply, Inc. The bond proceeds were used to finance the acquisition and renovation of existing manufacturing facilities located at 1601 South Sheridan in southwest Wichita. WSM Properties was also granted an 85% property tax abatement on the project for a 5-year term with a second 5 years based on Council review. Bond Counsel has advised that the Trustee discovered a discrepancy between the maturity schedule for the Series VII-B, 1998 Bonds in the Trust Indenture and the Official Statement, which needs to be rectified by making the Indenture conform to the Official Statement. The error will also need to be corrected in the printed form of the Series VII-B, 1998 Bond Certificate.

The terms of the Indenture permit an amendment, by Ordinance, to conform the terms of the Indenture to those set forth in the Official Statement. The consent of the Tenant is not required.

There will be only minor costs associated with the correction, including copying, postage, and publication costs.

The form of the Ordinance and First Supplemental Indenture has been prepared by Hinkle Elkouri Law Firm L.L.C., bond counsel.

Motion --
-- carried

Knight moved that the Ordinance authorizing the First Supplemental Indenture be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance prescribing the form and authorizing execution of a First Supplemental Trust Indenture by and between the City and Commerce Bank, N.A., Wichita, Kansas, as trustee, with respect to the City of Wichita, Kansas, Industrial Revenue Bonds, Series VII-A, 1998 (Wichita Sheet Metal Project) and the City of Wichita,, Kansas, taxable Industrial Revenue Bonds, Series VII-B, 1998 (Wichita Sheet Metal Project), introduced and under the rules laid over.

WATER SYSTEM

BUDGET ADJUSTMENT FOR WATER SYSTEM AM/FM IMPLEMENTATION.

Agenda Report 01-0527.

On January 6, 1998, the City Council approved the Water System AM/FM Implementation (CIP W-554). The AM/FM Implementation Project is for the development and enhancement of the AM/FM system, including infrastructure, hardware, and software upgrades.

The project is complete except for unanticipated repairs and additions. There are four parts of the conduit that need to be redone.

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Expenses are estimated at less than \$10,000 to redo the conduits and complete the project; however, the budget of \$867,950 has been expended. Northwest Transmission Facility (CIP W-510) was completed at less than anticipated cost and has available funding. A transfer of funds from Northwest Transmission Facility in the amount of \$10,000 to the AM/FM project will enable the AM/FM project to be completed with no increase in the total CIP budget.

Approval of the City Council is required for the transfer funds.

Motion -- carried Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 33 and 36 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- carried Knight moved that Planning Agenda Items 33 and 36 be approved as consensus Items. Motion carried 7 to 0.

CON2001-00009 **CON2001-00009 – CONDITIONAL USE TO ALLOW A CAR WASH, LOCATED ON THE SOUTHWEST CORNER OF THE LARK AND HARRY DRIVE INTERSECTION.** (District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 01-0528.

MAPC Recommendation: Approve, subject to conditions (12-0).

Staff Recommendation: Approve, subject to conditions.

DAB V Recommendation: Approve, subject to conditions (7-0).

The applicant, David Allen, is requesting consideration and recommendation for a Conditional Use to allow a car wash on property zoned "GC" General Commercial. The property (1.04 acres) is described as Lot 2, Block A, Lofland Addition, located southwest of the Lark – US Highway 54 (Kellogg) intersection. Harry Drive fronts the north side of the property and separates it from US 54. The Burlington Northern – Santa Fe RR ROW (BN-SF RR ROW) borders the property on the south and separates it from residential (zoned SF-6 Single Family Residential) development. The Unified Zoning Code permits car washes in zoning districts "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "IP" Industrial Park, "LI" Limited Industrial, & "GI" General Industrial, but requires a Conditional Use when the car wash is located within 200-foot of residential zoning.

David Allen is requesting consideration of the car wash to be used by his car lot (adjacent to the west on Lot 1, Block A, Lofland Addition) and the surrounding area. The proposed car wash will have 6 self-service wash bays (16-foot wide x 30-foot long), 4 vacuum cleaner units and 10 drying stalls along the front of the property and another 3 drying stalls on the east side. The self-service wash bays are shown to be 101-foot behind the property line. The applicant proposes to use masonry blocks for the walls of the car wash with metal trim around the top of it.

Currently the proposed site, Lot 2, is partially occupied by David Allen's car sales on the west side. This business also entirely occupies Lot 1, Blk A, Lofland Add., There is an outdoor storage area on north side of the proposed site, that has car parts on it. The section of the site that has the car lot on it has an asphalt surface. The eastern section and the northern section of the proposed site have no all weather surfaces on them. The northern section, with outdoor storage, has a 6-foot chain link fence around it on the south and east sides, with a 6-foot stockade fence on its north side. This section also has a double gate facing east onto Lark, with an unimproved ingress - egress. There is no curb and gutter along the northern and eastern edge of Lots 2 & 1. A ditch runs along the northern section of proposed site (Lot 2), where the outdoor storage area currently is located. The property from the northern end of the outdoor storage area to the Lark – Harry Drive Intersection is level with those roads. Lots 2 & 1, where adjacent to Harry Drive (their north border), are level with the road. There is a ditch

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between Harry Drive and US 54. There is no existing access onto the proposed site from Harry Drive. Harry Drive is confined to the area between Horton's Furniture (adjacent to David Allen's car lot, on the west side) to Lark. The applicant proposes to do a Lot Split of Lot 2, contingent upon recommendation of the Conditional Use.

The neighborhood to the west is zoned "GC" General Commercial and contains David Allen's (applicant's) car lot and next to it Horton's Furniture. The neighborhood to the northwest (across US 54) is zoned GC General Commercial and contains several car sales lots (Auto Worth & and Dodge Dealership) and is zoned "SF-6" and developed single family residential on the northeast side. On the east side (across Lark) it is zoned "GC" General Commercial and contains a Coastal Convenience store and a film processing shop. To the south it is zoned "SF-6" Single Family Residential and is developed residentially.

At the MAPC hearing on March 8, 2001, a protest petition against the request was presented to the MAPC by a spokesman for 11 homeowners to the south of the railroad tracks. The MAPC recommended approval (12-0) of the Conditional Use subject to the following conditions:

A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased.

B. No automatic car wash allowed.

C. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public works Department in regards to drainage.

D. The applicant has one year from the time of approval to begin construction on the project.

E. Any violation of the conditions of approval shall declare the Conditional Use null and void.

At the DAB V meeting on April 2, 2001, the request was presented to the DAB for consideration. Other than the applicant, no one spoke for or against the request. The DAB recommended approval (7-0) of the Conditional Use, subject to the conditions approved by the MAPC on March 8, 2001. However, due to the filing of valid protest petitions, the City Council is required to take final action on this request.

Motion --

-- carried

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Conditional Use, subject to recommended conditions be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-148

A Resolution authorizing a conditional use to allow a car wash on 1.04 acres zoned "GC" General Commercial, located on the southwest corner of the Lark and Harry Drive Intersection in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-427, as amended, presented. Martz moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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CON2001-00013

**CON2001-00013 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY,
LOCATED SOUTH OF PAWNEE, EAST OF ST. FRANCIS – 2550 SOUTH ST. FRANCIS.**

(District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No.01-0529.

MAPC Recommendation: Approve, subject to conditions (6-5).

DAB Recommendation: Support findings of staff to deny until conditions A-J are met as located in their denial or brought forth for negotiations with staff (9-0).

Staff Recommendation: Deny.

The owner is seeking a Conditional Use to permit the construction of a 150-foot high self-support lattice tower by Brad Murray Rentals, LLC for use by Cricket Communications, Inc and ITSROE.com, Inc. The proposed site is zoned "LI" Limited Industrial. The Unified Zoning Code permits Wireless Communication Facilities up to 150 feet in height in the "LI" Limited Industrial zoning district with an Administrative Permit; however, the request for an Administrative Permit at this location was denied due to its lack of conformance with the Wireless Communication Master Plan. Therefore, the applicant is appealing the decision to deny the Administrative Permit to the MAPC through this request for a Conditional Use.

The proposed self-support lattice tower would be sited on an approximately 4,750 square foot area located south of Pawnee and east of St. Francis (2550 S. St. Francis) on vacant industrial land. The site plan shows a compound enclosed with an eight-foot high solid screening fence with the tower located in the center of the compound and the ground-level communication equipment located in the northern portion of the compound. The site plan shows that access would be provided to the site through a 15-foot wide access and utility easement to St. Francis, a paved local street. No landscaping is shown on the site plan.

The character of the surrounding area is that of mixed uses with single-family residences across rail road tracks to the east, vacant industrial land to the south, apartments to the southwest, the Pawnee Plaza shopping center to the west, and industrial uses to the north, including a 110-foot high monopole tower. The properties to the north and south of the site are zoned "LI" Limited Industrial. The properties to the east are zoned "TF-3" Two-Family Residential. The properties to the west are zoned "GC" General Commercial.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. The justification for the request indicates that the existing monopole tower located approximately 300 feet to the north does not provide sufficient height. The justification also indicates that reconstructing the existing monopole would cost more than constructing a new tower.

The application also indicates that the proposed tower is needed by ITSROE.com, Inc. to provide wireless broadband data transfer service to the area. The justification indicates that a minimum antenna height of approximately 120 feet is needed to provide wireless broadband service to the area.

While not indicated in the application for the Conditional Use, the application for the Administrative Permit indicated that the owner (Sprint) of the 110-foot monopole tower located approximately 300 feet north of the subject property would not allow reconstruction of the existing tower under any circumstances. However, when planning staff contacted Sprint regarding reconstructing the existing tower for the placement of antennas for Cricket Communications, Inc. and ITSROE.com, Inc., Sprint indicated that they would be willing to rebuild the tower at the expense of Cricket and ITSROE.

At the March 8, 2001 MAPC hearing, one adjoining property owner spoke against the request and cited safety concerns if the tower were to fall. The applicant's agent indicated at the hearing that an additional carrier, WichitaUSA.com, has committed to co-locate on the tower and requires a height of

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150 feet. The MAPC recommended approval (6-5) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. A landscape plan shall be submitted for approval by the Planning Director that provides three shade trees to be planted and maintained adjacent to the east side of the compound.
- F. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- H. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- J. Any violation of the conditions of approval shall render the Conditional Use null and void.

On March 20, 2001, the City Council appealed the decision of the MAPC; therefore, the final decision on this case will be made by the City Council.

- Motion -- Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Conditional Use be approved. Motion died for lack of a second.
- died
- Motion -- Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Conditional Use be returned to the MAPC for reconsideration. Knight, with consent of the second, withdrew the motion.
- withdrawn
- Motion -- Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the findings of Staff be cited and the Conditional Use be denied. Motion carried 6 to 1. Lambke – No.
- carried

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ZON2000-00056

ZON2000-00056 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL; AND CUP2000-00054 DP-08 – AMENDMENT #9 – AMENDMENT TO THE UNIVERSITY GARDEN COMMUNITY UNIT PLAN TO ALLOW INDOOR STORAGE OF CONSTRUCTION AND EQUIPMENT AND VEHICLES AS A PERMITTED USE ON PARCEL 2, LOCATED AT THE NORTHEAST CORNER OF 21ST STREET NORTH AND OLIVER. (District I)

Council Member Brewer voted on this Item as a member of the MAPC and abstained from participation at the City Council meeting.

Motion -- carried

Knight moved that this Item be deferred one week. Motion carried 6 to 0. (Brewer abstained)

ZON2001-00011
(Item No. 33)

ZON2001-00011 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO FAMILY RESIDENTIAL, LOCATED ONE-QUARTER MILE NORTH OF 21ST STREET NORTH ON THE WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 01-0531.

MAPC Recommendation: Approve, subject to platting within 1 year. (13-0).

Staff Recommendation: Approve, subject to platting within 1 year.

The applicant requests a zone change from “SF-6” Single-Family Residential to “TF-3” Two-Family Residential on a 6.8 acre unplatted tract located one-quarter mile north of 21st Street North on the west side of 127th Street East. The zone change request is associated with a plat of the property (SUB2000-00085 – The Fairmont Addition) that was approved by the MAPC on February 8, 2001. The applicant proposes to develop Lots 1-13, Block K and Lots 45-50, Block C, The Fairmont Addition with duplexes. The property was annexed recently at the request of the applicant.

The surrounding area is on the fringe of the developing urban area for Wichita, with much of the land in the area still used for agriculture. The properties to the south and west are developing with institutional uses and are zoned “LC” Limited Commercial and “SF-6” Single-Family Residential, respectively. The property to the north is currently zoned “SF-6” Single Family Residential and is used for agriculture; however, the property to the north is proposed for single-family development through The Fairmont Addition. The property to the east is zoned “SF-20” Single-Family Residential and is used for agriculture.

At the March 22, 2001, MAPC hearing, there were no speakers, other than the applicant’s agent, either for or against the request. The MAPC voted, 12-0, to approve the request subject to platting within one year.

Motion --

Knight moved that the Council concur with the findings of the MAPC and approve the zone change, subject to Platting within one year, and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2001-00012

ZON2001-00012 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF CENTRAL AND TRACY. (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0532.

MAPC Recommendation: Approve (11-3).

Staff Recommendation: Deny.

DAB Recommendation: Approve (7-0).

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The applicant owns two platted lots (1.1 acres in size) located at the southwest corner of Tracy and west Central Avenue. These two lots are currently zoned "LC" Limited Commercial and appear to be developed with a single-family. The applicant is seeking "GC" General Commercial zoning in order to conduct "vehicle repair, general" (auto body and paint shop) work at this location. The existing building located on the site would be demolished and a new metal building (8,400 square feet) would be built. The shop would have garage door openings on the east and south sides. The primary entrance and reception area would be located on the north side of the building. The applicant's site plan depicts one drive approach to Central and one to Tracy. Both of these drive approaches exist today. The plat permits one access point per lot along Central, with no access control along Tracy. A total of 16 parking spaces are depicted on the site plan. The Unified Zoning Code requires one off-site parking space per 500 square feet, plus three spaces. The applicant needs to provide 20 spaces. A fenced storage area is shown on the southern half of the application area. The screening fence is also shown along the west property line.

Surrounding property is zoned either "LC" Limited Commercial or "SF-6" Single-family Residential. Surrounding land uses are: auto parts sales, auto repair, strip center retail sales; bar / restaurant and single family residential.

"Vehicle repair, general: is first permitted by right in the "GC" General Commercial district. If the site is redeveloped as proposed, landscape street yard, parking lot screening and buffer plantings will be required.

Staff has recommended denial on the basis that the intended use and "GC" General Commercial zoning are not consistent with the character and existing zoning in the general area. There are a number of car related uses in the area, but they are all uses permitted in the "LC" Limited Commercial district, and do not involve outside storage or the intensity of body and paint work.

MAPC heard this request on March 22, 2001 and recommended approval (11-3) subject to the conditions contained in Protective Overlay #92. These conditions restrict uses to those permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general," parking, storage and display areas shall be paved, no off-site portable signs are permitted, exterior audio systems are prohibited and all vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from abutting/adjoining properties and from abutting streets. The MAPC members voting in favor of the motion were persuaded that the proposed use was not so different than more limited repair uses that are permitted in "LC". No one spoke in opposition to the request.

DAB IV considered this request on April 5, 2001. Questions were asked about hours of operation, style of building if vehicles would be stored indoors or out, type of lighting and what kind of screening would be used. No one spoke in opposition. The applicant was present. The DAB voted 7-0 to recommend approval due to the Central Street frontage and the existence of other car related uses in the immediate area.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change, subject to the additional provisions of a Protective Overlay District #92, be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00012

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ZON2000-00054

ZON2000-00054 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MANUFACTURED HOUSING, LOCATED EAST OF SENECA APPROXIMATELY ONE-QUARTER MILE, AND SOUTH OF 47TH STREET SOUTH APPROXIMATELY ONE-QUARTER MILE. (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0533.

MAPC Recommendation: Approve, subject to staff recommendations (8-6).

DAB Recommendation: No quorum

Staff Recommendation: Deny.

The applicant owns an existing manufactured housing park (El Caudillo) located approximately ¼ mile south of 47th Street South and east of Seneca. Since acquiring the park, the applicant has completed various improvements and he feels that there is sufficient market demand to warrant expansion of the park. The 24.6 acres immediately east of the existing park is currently vacant and zoned “SF-6” Single-family Residential. The applicant is seeking “MH” Manufactured Housing zoning for this un-platted acreage in order to add 129 additional manufactured home spaces. Density of the proposed park is 5.24 units per acre. The site plan submitted with the application depicts the proposed layout. Two points of access are depicted. One access point would be west through El Caudillo Park to Seneca with a second access north via Laclede Street that connects to 47th Street. Each home space has a minimum area of 5,000 square feet with two parking spaces. The entire site would be fenced with a 6-foot privacy fence. Five play areas are depicted amounting to 1.63 acres. A 15-foot landscape buffer is shown along the north and south property lines. The landscape buffer will be planted with 107 oaks and cedar trees. Total open space is 4.1 acres. A 25-foot set back is shown along the north and south property line. Two storm shelters are shown on opposite ends of the park. Sidewalks are depicted along the circular collector street.

The land to the north is developed with single-family site built homes and a church. 48th Street is located immediately north of the western half of the application area, and is a sand and gravel street that connects westward from Laclede. There is an existing tree row located just south of 48th Street (but it is probably located in an area likely to be used for additional street right-of-way if 48th Street is improved). Laclede Street is also a sand and gravel street. Property to the east is a drainage area and further east there are railroad tracks. Beyond the tracks are warehouse uses on “LI” Limited Industrial zoned land. Land to the south is vacant, but used for cropland and is zoned Single-family Residential. Land further south is developed with residential uses. Land to the west is the existing manufactured home park and is zoned “MH” Manufactured Home.

The Unified Zoning Code requires a minimum site size of 5 acres for “MH” zoning in the City of Wichita. The Code requires a minimum lot width of 200 feet for parks. Minimum setbacks are 20 feet from public street right-of-way, 10 feet from all lot lines and 5 feet from private roadways. A minimum separation of 10 feet shall also be maintained between all manufactured home units within the park. The maximum dwelling unit density permitted is 8 dwelling units per acre. Maximum height is 35 feet. Compatibility setbacks of 25 feet are required along the north and south property line. Dumpsters and refuse receptacles are to be located a minimum of 20 feet from property located to the east. A landscape buffer that is 15 feet wide (with one shade tree or two ornamentals every forty feet, 1/3 of the plants are to be evergreen) or a solid screening fence is required along the property line.

Further, Chapter 26.04 of the City Code requires the submission of a development plan with the zoning application for approval by the City Council. The plan is to show the relationship of the home spaces to roadways, parking, open space and other information affecting the overall park environment. Key requirements include: all spaces are to have access from a park roadway (no space is to have direct access to a public street or highway; all roadways are to be paved; parking is to be provided per the zoning code; sidewalks are to be provided per the sidewalk ordinance; eight percent of lot’s gross area is to be set aside for recreation area, with a minimum size of 10,000 square feet; parks with over 10 spaces must have a storm shelter that is located no further than 1300 feet from the furthest home and all spaces are to be identified.

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The site plan submitted with this application appears to comply with code requirements. The open space/recreation area could be more useful if combined into one or more larger, contiguous parcels.

Planning staff recommended denial on the basis that the proposed site does not meet the “buffer” guidelines in the Comprehensive Plan, that there is still ample acreage that is already zoned for manufactured housing, that residential units in manufactured home parks depreciate or appreciate at a slower rate than site-built residential units, that data shows the average price of homes near mobile home parks is lower than homes further away from the parks, and that the site could be developed with as a residential designed manufactured home subdivision or with site built units as currently zoned.

The MAPC heard this request on March 22, 2001, and recommended approval (8-6) subject to platting within one year. At the time of platting, the applicant will guarantee paving of Laclede Street from 47th to the entrance of the park. The site plan is to be amended to depict a concrete screening wall along the north and south property lines. Six area residents spoke in opposition citing concerns: that the south area has more than its fair share of manufactured housing which discourages the development of site built projects and lowers nearby property values; the notion that manufactured housing is “affordable housing” in a myth when one factors in lot rent; there are a large number of vacant spaces in existing parks so new spaces are not needed; and the general perception that in south Wichita there is a lack of public improvements and services.

A 30.99 % protest has been filed by 10 property owners. As a result of the over 20% protest petition, the City Council will need a $\frac{3}{4}$ majority vote to override the protest.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change be approved, subject to the site plan being approved by the MAPC, and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ORDINANCE

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SCZ-0785 and DP-241

SCZ-0785 AND DP-241 – PLATTING EXTENSION FOR PROPERTY BEING REZONED FROM SINGLE FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, AND THE CREATION OF THE NEVILLE PROPERTIES CIP, LOCATED AT THE NORTHEAST CORNER OF KELLOGG AND 167TH STREET WEST. (District V)

Agenda Report No. 01-0534.

Staff Recommendation: Grant a platting extension to May 4, 2002.

On May 4, 1999, the City Council approved a zone change from “SF-6” Single-Family Residential to “LC” Limited Commercial and the creation of the Neville Properties Community Unit Plan for 38.21 acres located at the northeast corner of Kellogg and 167th Street West. Approval of the zone change and CUP were subject to platting the property within one year.

The applicant submitted a preliminary plat that was approved on October 28, 1999 the Planning Commission. On July 11, 2000, the applicant requested a one-year platting extension, which was granted by staff per established policies. On March 16, 2001, the applicant submitted a letter requesting an additional one-year platting extension to allow more time to work with pipeline companies to reduce blanket easements on the site. Established policies indicate that additional platting extensions require City Council approval.

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Motion --

Knight moved that the platting extension for SCZ-0785 and DP-241 be extended to May 4, 2002, provided that if the plat of the property is not recorded by May 4, 2002, the zone change and CUP shall be considered denied and closed. Motion carried 7 to 0.

-- carried

AIRPORT AGENDA

AIRPORT

CONTRACT - AIRFIELD PAVEMENT.

Agenda Report 01-0535.

On December 12, 2000 City Council authorized the Staff Screening and Selection Committee to select an Engineer for South Cargo Apron rehabilitation, Air Cargo Service Road extension, and Air Cargo Service Road rehabilitation.

On February 2, 2001 the Staff Screening and Selection Committee selected TranSystems Corporation to design the projects.

The total cost of the design and bid phase services is \$62,100. AIP Federal Grant funds are expected for 90% of eligible expenditures. The matching funds are expected to ultimately come from Passenger Facility Charge Program although airport revenues will provide interim funding. Funds are available within the project budget.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

AIRPORT

AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATIONS:

Agenda Report No. 01-0536.

Wichita Mid-Continent Airport is entitled to a portion of the Airport Improvement Program (AIP) federal funding based on its passenger enplanements. The funds must be used for projects that have met eligibility requirements and have been approved by the Federal Aviation Administration. The Grant Application must be submitted to the FAA by May 1, 2001 to maximize the use of entitlement funds.

Staff has prepared a grant application for these funds for submission to the Federal Aviation Administration.

Grant funds are limited to the improvements listed in the application which are: Taxiway "AAA" Study, Design and Phase 1 Construction; Maintenance Yard Service Road Reconstruction; Air Cargo Service Road Construction; Air Cargo Service Road Reconstruction; and South Cargo Apron Construction.

All the projects except the Maintenance Yard Service Road Reconstruction were approved by the City Council on December 12, 2000. Recently the FAA indicated that the Maintenance Service Road Reconstruction was eligible for federal funding and could be included in the project.

The Airport is requesting that \$1,802,549.00 in FAA AIP Entitlement funds be directed for this purpose. Matching funds of 10% will be applied for through the Passenger Facility Charge Program.

Motion --

Knight moved that the grant application with the inclusion of the Maintenance Yard Service Road Reconstruction be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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AIRPORT

MID-CONTINENT AND JABARA MASTER PLAN UPDATES.

Agenda Report 01-0537.

Wichita Mid-Continent Airport is entitled to a portion of Airport Improvement Program (AIP) funding based on its passenger enplanements. Colonel James Jabara Airport is eligible for federal funding based on the Aviation Investment Reform Act for the 21st Century (AIR 21) signed into law on April 5, 2000 authorizing \$150,000 in entitlements. The funds must be used for projects that have met eligibility requirements and have been approved by the Federal Aviation Administration. The Grant Application must be submitted to the FAA by May 1, 2001 to maximize the use of entitlement funds.

Staff has prepared a grant application for each airport for a master plan update for submission to the Federal Aviation Administration.

Grant funds are limited to the individual Master Plan Updates listed in the applications.

These projects were approved by the City Council on July 18, 2000.

The Airport is requesting that \$358,495 for Mid-Continent Airport and \$94,064 for Colonel James Jabara Airport in AIP Entitlement funds be directed for this purpose. Matching funds of 10% will be applied for through the Passenger Facility Charge Program and through airport revenues.

Motion --
-- carried

Knight moved that the grant applications be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

RECESS

The City Council recessed to workshop session at 11:25 a.m. and returned to regular session at 11:45 a.m.

EXECUTIVE SESSION

Motion --
-- carried

Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice, and return to regular session at approximately 11:50 a.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 11:46 a.m. and returned to regular session at 11:55 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:55 a.m.

Pat Burnett CMC
City Clerk

WORKSHOP

Sanitary Sewer Collection System Regulations